

REGULAR MEETING

WEDNESDAY

7:00 P.M.

FEBRUARY 6, 2013

This Regular Meeting of Council was called to order on the above-stated date at the above-stated time after the Pledge of Allegiance and a Moment of Silence by President of Council Darryl Segina with the following Members of Council present:

**RC-1 PRESENT: DANIEL CARR, DALE McCALL,
DARRYL SEGINA, ALFRED TEDESCO,
JR., KEITH SOLES, FAWN WALKER-
MONTGOMERY, RICHARD
DELLAPENNA**

Mr. Segina said also present were Mayor Michael Cherepko, City Administrator Matthew Gergely, City Solicitor J. Jason Elash and members of the Administration. He said the Sergeant at Arms tonight is Detective Joseph Osinski.

Mr. Segina said that Captain Barton of the Salvation Army in McKeesport will be here to give them some spiritual advice however; Reverend Warren Smith is present in Captain Barton's place.

Reverend Warren Smith led the prayer.

APPROVAL OF MINUTES:

**MOTION: Ms. Walker-Montgomery moved, seconded by
Mr. Tedesco, "To approve the minutes for the
Public Hearing of January 2, 2013 at 6:15
p.m. and the Regular Meeting of Council on
January 2, 2013 at 7:00 p.m."**

NAYS: NONE..... 0

- Received a letter from Steel Valley Authority to make an appointment to their Board.
 - Mr. Segina said is that the Mayor's appointment or his.
 - Mayor Cherepko said it is his.
- Received a letter from Dennis Pittman, Board Chairman, McKeesport Industrial Development Authority, RE: reappointment of board member. They are recommending the reappointment of A.J. Tedesco, whose term expired December 31, 2012.
 - Mr. Segina said he would like a motion to appoint Mr. Tedesco to the McKeesport Industrial Development Authority.
 - Mayor Cherepko said well ... that is good. He said he just wants to make ... he has no problem with that if they want to go with A.J. He said does Mr. Tedesco wish to continue on that board?
 - Mr. Tedesco said yes he will continue.

MOTION: Mr. Carr moved, seconded by Mr. Dellapenna, "To reappoint Alfred Tedesco, Jr. to the McKeesport Industrial Development Authority."

RC-3 YEAS: CARR, McCALL, SEGINA, SOLES, WALKER-MONTGOMERY, DELLAPENNA..... 6

NAYS: NONE..... 0

ABSTAIN: TEDESCO..... 1

- Mr. Elash said for the record, Mr. Tedesco abstained because they are appointing him.
- Mr. Tedesco said correct.
- Received a memorandum from Mary Ann Popovich, Chairman of the Planning Commission, RE: Planning Commission Meeting on January 23, 2013.
- Received a letter from James Haughey, Executive Director of McKeesport Housing Corporation, RE: HOME Investment Partnership Program.
- Received notification that there will be a Valentine's Sweetheart Brunch on Saturday, February 16, from 8:00 a.m. to 1:00 p.m. at the White Oak American Legion. She said it is in regards to McKeesport Hospital Foundation.
- Received notification that the McKeesport Regional History and Heritage Center's Black History Month Program "All the Real Heroes: Western Pennsylvania Tuskegee Airmen" will be held on Saturday, February 9, 2013, at 2:00 p.m. at the Heritage Center.
- Received the monthly Fire Report from Fire Chief Kevin Lust.
- Received the monthly report for the Police Department from Police Chief Bryan Washowich.
- Received copies of two thank you notes from Constance Mazzie-Chemsak who lives in Dravosburg and from Richard Kolesar who lives in East McKeesport. Both thanked the Police for the fine service they provided.
- Mr. Segina said they appreciate those remarks for the Police Department and he is sure they enjoy having those remarks made commending them for the job

they are doing.

MAYOR'S REPORT:

- Mayor Cherepko said thank you very much Mr. President. He said he does not have much this evening. He said he just wanted to touch base on a few things. He said last night was a long meeting and he thinks they discussed enough last night. He said he had the opportunity to view some of his concerns on some of the Bills before them this evening. He said there is no need to repeat that this evening. He said he does want to, first and foremost, welcome everyone here. He said he personally thanks them for showing up at the Council meeting to show their interest and concerns, whether it is about the ATV ordinance because of the Public Hearing ... regardless of why they are here. He said the bottom line is that they are here and they have a right to be here. He said they should make sure that they exercise that right. He said by being here and letting their voices be heard in one way or another, that is why they live in the greatest country in the world. He said for that he thanks them. He said he also encourages them to attend their other meetings that they have each and every month and get involved and see what is going on locally. He said there are a lot of good things going on in the City and they are working together to move the City forward. He said Council this evening, with this ATV ordinance on their Agenda, has a difficult decision to make. He said he thinks it is one that has been thought out by each and every one of them. He said he thinks they will make the decision that is in the best interest of the City. He said that is all part of the process. He said he thinks that was the right way to do it, where as a few months ago, he came up with the idea of passing an ordinance in one way or form, whether it is a total ban, partial ban or whatever it may be. He said he thinks they need to find a happy medium when it comes to

that to make sure that the ones that ride the ATVs can continue to do so but in a manner that does not infringe upon the residents' rights of relaxing on their property. He said he thinks there needs to be some sort of in between ordinance in his mind. He said that will be left for Council to decide this evening. He said he does believe they will do what is best for the City. He said he does give them credit throughout this process. He said thank you again for coming. He said other than that the only other thing he wants to touch on is that they are all aware that this nuisance snow ... he hears the word nuisance coming around right now, he likes to see the snow that is coming and he calls that a nuisance. He said it is not like they are getting six, seven or eight inches. He said it is an inch or two each day or night. He said he wants them to know that for many days it seems like their Public Works and Street Department are out there almost around the clock. He said it is almost a daily occurrence now because it seems like they are at least an inch, two inches, or just enough to make the roads icy. He said he wants to let them know that they are working. He said they have gone through an unbelievable amount of salt. He said they started off the year with a surplus because of last year. He said they have really gone through it this year. He said they do have another order or two that came in just this week and are okay on salt. He said they are ready to take any other challenges that Mother Nature may bring to them. He said that is all he has this evening. He said thank you again for coming to the meeting. He said that concludes his report.

- Ms. Walker-Montgomery said she has some questions for the Mayor. She said she has a couple of points, she wants to address with him. She said can he hear her.
- Mayor Cherepko said yes.
- Ms. Walker-Montgomery said the first question is for the Solicitor. She said is hunting allowed in McKeesport

or not allowed in McKeesport. She said is there an ordinance against it.

- Mr. Elash said he doesn't believe they have a specific ordinance and he thinks it is just that State game laws are applied. He said he can do some research on that and look at it. He said he is not a hunter himself so he doesn't know and never really had a chance to look at it.
- Mayor Cherepko said he is not a hunter himself either.
- Mr. Carr said they cannot discharge firearms.
- Mr. Segina said is the Chief aware of the laws for hunting in the City.
- Chief Washowich said they are not allowed to discharge a firearm within City limits.
- Mayor Cherepko said to the best of his knowledge, he believes in some areas it may be permitted with a bow but he is not a hunter either so he does not know off hand.
- Ms. Walker-Montgomery said so it is permitted with a bow in some areas. She said do they know what areas.
- Chief Washowich said he believes it is
- Mayor Cherepko said he thinks it has to be so many feet from a residential area.
- Ms. Walker-Montgomery said she knows she
- Someone in the audience said it is 50 yards from a residence with a bow and arrow.
- Someone else in the audience said it is 50 yards from an occupied structure.

- Ms. Walker-Montgomery said okay. She said her concern is that she has been getting a lot of calls about hunting ... firearms being discharged and she is supposing it is hunting. She said that is what she is assuming. She said that is what she is being told there is hunting going on.
- Mayor Cherepko said in Haler Heights.
- Ms. Walker-Montgomery said yes in Haler Heights. She said those are the calls that she has been getting. She said she guessed they called the police and she is not sure of the response time.
- Mayor Cherepko said he can defer to the Police Chief but he has a radio next to him unless he is in a meeting but he doesn't believe they have had too many calls come into the Police Department. He said there may have been one or two.
- Chief Washowich said occasionally they do have a call but a lot of times it is somebody's ... they end up discovering it may be in White Oak-McKeesport jurisdiction boundary intersection like up there around the White Oak border. He said they are very far and few between that they get calls up there.
- Ms. Walker-Montgomery said as far as discharging firearms for any purposes that is not allowed in the City. She said she has also had some calls that there have been some bows. She said that one actually killed a dog one time and this might be years ago but she is not sure. She said do people call about that.
- Chief Washowich said he doesn't know about the dog but they investigated a cat that was shot with a crossbow ... they believe it was a crossbow several years ago and that is the only one he knows about.

- Ms. Walker-Montgomery said when that happens, do they even know who it is and is it possible to even enforce that.
- Chief Washowich said it is investigated and the last investigation with the cat, there was a reward put out by Animal Friends but he is not sure about what the disposition of the case was. He said they do investigate it if someone would file that report along with the Humane Society.
- Ms. Walker- Montgomery said there are three other things she wanted to address. She said a while ago, they talked about the budget and in the past two years, they talked about the reports from the Palisades. She said she wanted to know when that was going to happen. She said she also wanted to know if there would be a report from the Solicitor. She said they were told that a while ago ... just updates on open and active cases they have. She said she just wanted to follow up with him on those two things as far as when that is going to start to occur.
- Mayor Cherepko said he thought someone submitted a report at the end of the year.
- Mr. Carr said they submitted a report in November and they did not see December.
- Mayor Cherepko said he doesn't think there was much going on down there and he will find out.
- Ms. Walker- Montgomery said she thought they were supposed to submit reports monthly and monthly for the Solicitor.
- Mayor Cherepko said like he said they are now starting a new reorganization down at the Palisades with a Board that is going to be very active. He said he believes Councilman Carr is going to be the Chairman

of that Board down there, they will be able to depend on him to get the upcoming months. He said he doesn't believe January is a very busy month with them at all. He said he doesn't believe they have anything there except New Year's Eve but he could be wrong. He said they can get that.

- Ms. Walker-Montgomery said the last thing is that a lot of local businesses have been closing during the last couple of months. She said that is a concern for her. She said she is all for franchises and big businesses to come to McKeesport. She said she is all for that but she wants to make sure they don't do that at the expense of the little business man or woman. She said they need those as well. She said she knows that they have talked about that a lot at the Downtown Business Authority meetings they have been having so they can address that. She said she wanted to bring that to his attention because it has been happening a lot lately. She said it seems to be coming from the same area. She said she knows he knows about it but she wanted to bring that to his attention in public because she doesn't want the little business to get pushed to the side so the big ones can come in. She said she doesn't think that is fair.
- Mayor Cherepko said he thinks that is a double-edged sword. He said there is no question that they want to protect their businesses and especially their small businesses that have been here for generations. He said he doesn't believe the two down there ... the only two to his knowledge, the couple that have closed have been restaurants. He said he doesn't believe that if they had a larger chain that pushed them away. He said at the same time, they need to keep that in mind because it is important and at the same time, they are working diligently to recruit any businesses they can to come into the City of McKeesport and try to bring them

in. He said obviously anytime they bring a business in they are bringing people in. He said it is no secret. He said for example, if they could find an anchor store, although it may not be the best thing for the smaller businesses, but if that is what they can do to bring jobs to the City ... that is why he says it is a double-edged sword. He said for example if there is a store that maybe is not as common like a Cabela's and look at it right outside Wheeling, West Virginia as you go down I-70, on the right hand side there ... there was nothing there before. He said when Cabela's came in, now when you go up there, everything is there ... stores, gas stations, and restaurants. He said as a matter of fact they called the street Cabela Drive at this point. He said with that in mind, while keeping that concern, it is a double-edged sword. He said if he has a large business that wants to come in and will bring people to town, he will encourage them to come while doing what they can to protect the interest of the small businesses. He said they need bigger businesses and need businesses to come in general and they need jobs. He said they are working hard down at the mill site and working with the County regarding the Courthouse. He said they reignited that flame that was brought up years ago under Senator Brewster who was Mayor at the time. He said he was on Council then. He said what they are trying to do is get the County to come in. He said they have had conversations with other entities in the County also but they are trying to do what they can to bring them in. He said he understands what her concern is and that is important. He said if they can bring jobs and a business in, they need to do that.

- Mr. Segina said to add to what Ms. Walker-Montgomery brought up about hunting, he walks the trail at the Park on a regular basis. He said as he was walking by, he heard four of five shots and they came from above the Park Barn. He said there is a road back there that is

not too navigable called Skyline Drive and that is where the shots came from. He said someone is still shooting up there. He said there are deer there because they come out at night and are in front of the band shell. He said there are about six deer that come down every once in a while looking for food. He said they are hunting up there for deer. He said that is a tough situation to find someone up there doing it but he just wanted the Mayor to know it is being done.

- Mayor Cherepko said absolutely.
- Mr. Segina said also they have not received a report from Keystone Collections. He said that was promised to them about three or four months ago.
- Mr. Elash said he will contact them again and make sure they get something to the Council.

COUNCIL REPORTS:

- Mr. Tedesco said first he would like to send his condolences to Mr. Gergely and his family regarding the passing of Bob Gergely. He said he was a very good man.
- Mr. Gergely said thank you.
- Mr. Tedesco said secondly, he would like to speak to the Solicitor. He said the City of Pittsburgh has an ordinance where if residents have a citation multiple times within a 60 or 90-day period, they can begin to surcharge the resident for Police calls to their residence. He said he doesn't know if they can contact the City of Pittsburgh and take a look at that ordinance and maybe they could do something similar.

- Mr. Elash said that was just passed and he believes they passed that in relation to fire alarms at one point. He said they had problems caused
- Chief Lust said they send them a letter and then if it happens again they do charge them.
- Mr. Elash said they can certainly look at that.
- Mr. Tedesco said they can expand that and they have a litany of infractions that they consider a nuisance or disorderly residences and it would go to the owner not the renter. He said that is in the City of Pittsburgh.
- Mayor Cherepko said didn't they follow up with a few of those already with some of those where they get repeat alarms.
- Chief Lust said with fire alarms yes.
- Mr. Tedesco said he is talking about whether it is a disorderly house or whatever. He said if they become repetitive in nature they can now cite the owner because they need to be wary of whom they are renting to.
- Mr. Elash said the Landlord Tenant Ordinance has provisions exactly like that. He said if there is a disturbance citation issued by the Police more than twice, the owner is given a warning and if the third time occurs then the owner is cited and he has to evict them. He said it is in the lease and also
- Mayor Cherepko said he thinks what happens also is that they have had a number of people who have been evicted and whether it was through the eviction process or what, they have collaborated with the Housing Authority also with Section 8. He said even a house in a neighborhood, when they have incidents or police reports, the Chief has worked hand in hand with them

and filed it with them. He said typically speaking, most landlords actually just say, they will get rid of the people. He said that has been the result they have gotten in most cases. He said that is good rather than them having to go through the process. He said based on what Mr. Elash said, they remind them of the Landlord Tenant ordinance they passed a few years ago but he doesn't think they really enforced it much. He said that is what they are trying to enforce now and are letting the landlord know that they can be held accountable for the behaviors of the tenants. He said they have had some success with that but he definitely agrees they should look into the ordinance, whatever he has out there to get some other ideas.

- Mr. Elash said also the Mayor and Chief Washowich had a meeting with Mr. Zappala's office and he has been in contact with his office and when they charge someone with a drug crime, similar to a Section 8 situation, they now have the power under the Federal Drug Trafficking Act to have the landlord evict them immediately, before they are even found guilty.
- Mayor Cherepko said and that means charged. He said so they are actually collaborating with Zappala's office. He said he didn't really want to
- Mr. Elash said any instances where they have arrested someone in a place that it is a rental property, they can now contact Mr. Zappala's office downtown and they can take care of that situation.
- Mr. Tedesco said they have a specific program and he doesn't know how the computer system works but their program will let them know if this house has obtained so many citations over a period of time. He said can their system do that?

- Mr. Tedesco said the last thing he has is regarding Bill #98. He said while he agrees with the intent of Bill 98 because he does believe that he would like to see the shroud of nepotism removed to the best of their ability, there are sufficient problems with the wording and he would like to see the Solicitor reword it before it comes up for a vote. He said what he does want to see is some sort of special session where as Councilors can give their input and add to it to give their thoughts on it before it is put back on the Agenda. He said whether it is tabled or removed tonight, he wants to see it come back tonight in some form. He said it does need to be cleaned up. He said they do need more input as a whole on this matter. He said that concludes his report.
- Ms. Walker-Montgomery said she just wanted to give some updates on the Board that she sits on. She said as far as the Rec Board goes, she is going to yield to Councilman Dan Carr for that because she has missed the last two meetings due to the illness of her mother. She said she will yield to him for that because he sits on that board also. She said as far as the Library, the status quo is that they are doing fund raising now and there are tickets for February. She said she would like to give kudos to the Library. She said it has been in the City for years and they do a lot of work up there for children. She said there are a lot of activities that go on daily in the Children's room. She said if they go in there any day of the week they will see a bunch of kids in there on the computers. She said rarely do they have problems there either. She said as far as the Downtown Business Authority, they had their last meeting a week ago. She said they talked about their mission and their vision and redid that. She said they created subcommittees and will start with parking. She said they will also start with some sort of association for the local businesses. She said she is getting together a letter to send out to all the local businesses to welcome them to the City, explaining who they are and what

their purpose is going to be. She said they are also going to try to get an article in the McKeesport Magazine. She said she wanted to ask Jason something. She said the Board was created by ordinance, so does she need to go by ordinance to add the mission, the vision and to expand the area.

- Mr. Elash said if they amend their mission statement, then yes, they would do that as an Authority and then they would forward that to the City.
- Ms. Longo said could she use her microphone so they can hear her.
- Ms. Walker-Montgomery said yes, she is sorry.
- Mr. Elash said he doesn't have a microphone. He said the Authority has to amend their bylaws and mission statement then forward them to the City and they will confirm that by ordinance.
- Ms. Walker-Montgomery said that has to happen by ordinance.
- Mr. Elash said yes.
- Ms. Walker-Montgomery said okay.
- Mr. Dellapenna said the only thing he has is Bill #97. He said he is in agreement with the Mayor on the quad issue. He said personally he rode dirt bikes and quads his entire life. He said he thinks there needs to be some compromise. He said he is against a total ban. He said, however, he would support restrictions being placed on distance from residences and hours for recreational use. He said with that being said, he would like to see that Bill tabled and revisited by them and possibly putting restrictions on them.
- Mr. Segina said he may present that at the time the Bill comes up for adoption.

- Mr. Soles had nothing to report.
- Mr. Carr said in response to Fawn they have quite an agenda that is scheduled for this summer and hopefully it is on the website already. He said financially they are in good shape because the Mayor has given the 50/50 drawings that they take in from the Concerts in the Park to the Rec Board. He said they are in good shape and will see a lot more activities and improvements this year. He said they will look forward to a good summer this year. He said the other thing is that he looked at this feasibility study of developing a trail and he does appreciate the fact that people would even turn this in. He said hopefully everyone reads it. He said he agrees with the study when they are planning a facility but he is not sure that this facility is exactly what they are looking at. He said there are definitely some good intentions in here by the presenter. He said if he ever wants to take a road trip, it looks like a nice place to go. He said he also has something that was attached to this, some statistics and statistics are lies, damn lies and statistics so He said a law firm compiled this and sometimes they get some information in here that is viewed one way or the other. He said if they look at this it says the last 10 years ATV accidents and injuries have increased by 109%. He said that looks good and then it goes to 2008, which gives them a number of 135,000 people seriously injured. He said if they read further in the source that was not presented here ... in 2009 it went down and 2010 it went significantly down and it was even quoted by the same people, the same source on the Consumer Product Safety Commission, as saying there was a significant decrease. He said information is not always compiled for the exact purpose and he is not so sure that this is for the purpose that they are looking at this evening as far as talking about serious injuries. He said the fact is that falls in general are the leading cause of non-fatal injuries for children between the ages of 5 and 19. He said he would still encourage all children to fall off the couch. He said as reference to Bill #97, he does not believe that the

same problems of which opposing neighbors truly fear would ultimately be satisfied by this ordinance. He said the gathering of loud and sometimes obnoxious children riding bicycles off road in that area may attract more children and be more offensive and considered a nuisance. He said will they next be asked to write another ordinance to limit the number of children that gather to play on private property and monitor decibel levels of laughter. He said at first he considered the call for this ordinance as a kid ordinance and a ban on children activities using the off road motor vehicle ban as the origin. He said he talked to Mr. Young and Mr. Durling and both agreed to a mandate for restrictions and limitations on the use of the property mentioned with valid points. He said he was then satisfied with his personal concern. He said they met last month as Council and voted to have meetings to try amicably to resolve the concerns of all with interest. He said Council President decided to put on the agenda an ordinance without any meetings that included him, or as he suspects, also the exclusion of other members of Council to have an open meeting for the public tonight. He said this cannot represent those who want to work together. He said this is an ordinance for a complete ban only. He said he does not understand this reasoning. He said if this ordinance fails, then will this now be the opportunity to represent all sides of this concern as promised by Council. He said he truly believes neighbors that compromise have the best neighborhoods. He said this ordinance will affect all of the neighborhoods in McKeesport. He said they are not here to consider the safety of ATVs or off road vehicles, the planning of ATV facilities, existing state laws, any earth that has been moved to create a recreational area or if the City is liable for accidents on private property. He said they are here to consider a total ban of the use of ATVs in McKeesport. He said he does, with respect, consider peace and tranquility of residential areas, but he has to wonder why it has never been an issue before in McKeesport. He said City ordinances have been passed to protect them from noise and the County Health Department

does. He said Mr. Young admits that in hindsight he did not consider all that would be involved to make a playground for children. He said he does not want to fight with his neighbors; he wants to keep his kids in his area. He said he does not believe that a ban on ATV or off road motor vehicles is fair to parents and children who choose this activity. He said he is asking Council members to vote against this ban. He said they can still introduce an ordinance with restrictions. He said they should not take the easy way out. He said this would be a win-win. He said this vote tonight will not be the end of an unnecessary battle between neighbors unless they try to help everyone. He said if they vote no, no one totally loses except the lawyers. He said thank you.

- Mr. McCall said he has to agree with Mr. Carr about Bills #97 and #98. He said both were put on the table and sat there. He said if Ms. Longo remembers two months back, he was in a meeting on a conference call with her and the Mayor and they were going through the ordinances that she had found and they were discussing things. He said a month after that it was stated that this Council was going to work on them like she said. He said they never had the meeting and that goes through their President. He said she came up here and chastised this whole Council for not doing their due diligence. He said as she can see, they have been able to do their things by themselves but they wanted to have a meeting together so that all the minds could get there and come up with a solution. He said when this came on the Agenda; it threw him that they were going to go for a total ban. He said he knows in the conversation they had, she even said there was one with a total ban that she didn't think they would want to go with that. He said that is exactly what she said. He said she didn't think the Council would go with that. He said he didn't see it that time until she gave them all these ordinances. He said that was the kind of thing they were all looking for was that they were supposed to have a meeting but it was never called.

- Ms. Longo said she thought they could communicate with each other, they would be discussing it, and he did say that.
- Mr. McCall said he does understand that and that is what he is saying.
- Ms. Longo said the final decision regarding what was on the Table was not as portrayed in the media, her decision. She said that is what she was clarifying. She said she is certain the members of Council have the ability to communicate with each other and she understood they did. She said they certainly have the final say on what will be voted and what the result will be.
- Mr. McCall said he understands that and just wanted to let her know that they were never given that opportunity because Council never got that opportunity to get together as a unit to sit down and discuss it because someone did not call for the meeting or whatever. He said the same thing with the other Bill that is on here. He said they have a divided Council up here.
- Ms. Longo said in terms of this bill according to what he is saying is that he believes that it should either be tabled to look at it more thoroughly and possibly include what the gentleman was referring about the bike trails and come up with something that might protect the people in three areas where there has been riding and other areas of the City, but also indicate for the riders where and when they can ride.
- Mr. Segina said would Mr. McCall please direct his comment in general rather than to one individual in the audience so that they can proceed.

- Mr. McCall said it is not this Council's fault that it got like this. He said it was the President who was supposed to submit this, put them together, sit down, and discuss these things so they could come up with something. He said it is elusive but he hopes they can. He said just from last night until tonight, they have all of this other information that they were given. He said they didn't have any of this stuff but they could have gotten it if people would have said let's have this meeting, they could have had a meeting of the minds and probably could have worked something out. He said that is all he has to say Mr. Segina.
- Mr. Segina said it looks like he is the bad guy here He said he wishes Mr. McCall would restrict his opinion. He said he already talked so now let him talk without any interference. He said thank you. He said he is not the bad guy as he mentioned and as he has been shown here. He said this ordinance was given to these gentlemen last December, the whole body. He said they had time then to look at both of them and come back to him with their remarks. He said if they wanted to have a meeting for understanding, he is more than willing to look at it in that perspective. He said that never occurred. He said at one time he had another Bill came up here and wanted to discuss this in their caucus room. He said at that time Mr. McCall said they could not do it because they were disobeying the Sunshine Law. He said he is not going to call a meeting individually with each one of them; he doesn't have that time to have six different meetings to see what their opinion was on this. He said they could have replied from December up until this point to make a decision on this and what they would like to see in it. He said he sat down with the Solicitor and sat down with the Police Chief and asked them to verify what is in here, what is illegal, and what they could not do. He said whether they like the ban or not, that is a different story. He said he did what he could to make sure he presented a viable type of resolution

and ordinance to be brought here before the people. He said these are his remarks. He said Ms. Walker-Montgomery has the Business Authority under way, which is a great thing. He said he is great they are getting that off the ground. He said they don't have a Downtown McKeesport Association any more so the Downtown Business Authority will take its place hopefully. He said if they can spread their wings a little bit, get to some of these businesses, and find out their problems before they go under, or before they move, perhaps that will assure them that they can save a business here or there. He said they have so many programs such as the loans, Small Business Administration, or whatever. He said he applauds for getting this going and her keen interest in it. He said that is all he has to say. He said he would like to add one more thing. He said when this was added, the ban on the ATVs, if he does not present it on the Agenda, all that is required is three of five signatures on an affidavit. He said then it must go on the agenda. He said presented with that fact that is why he put it on the agenda. He said not all bills are perfect and he will concede that this one is not perfect either. He said however, there can be adjustments made to any ordinance by repealing it or amending the language itself within that ordinance. He said while this is either going to be passed or rejected there is still additional room for adjustments to it.

CITIZENS IN THE AUDIENCE:

ANNETTE JAMES, 1919 EVANS AVENUE, McKEESPORT, PA.

Ms. James said she just wanted to bring to the attention to everyone and also echo what the Mayor said about the snow. She said they have had a lot of nuisance snow. She said she wanted to recognize Public Works Streets Department. She said they have done an excellent job. She said every night they go to bed, it snows and they wake up in the morning and the streets

are clean. She said they really do appreciate everything they have done.

- Mr. McCall said he is the best Public Works Director they have ever had.
- Mr. Segina said he resents the remarks Mr. McCall is making. He said he knows where he is directing that remark. He said he doesn't want to hear any more of it. He said if he opens his mouth one more time and he is gone. He said period.

NEW BUSINESS:

ORDINANCE #13-3 – BILL #97: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY PENNSYLVANIA, REGULATING THE OPERATION OF RECREATIONAL VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF McKEESPORT.

MOTION: **Mr. Dellapenna moved, seconded by Mr. McCall, "To table Bill #97."**

COMMENTS:

- Ms. Walker-Montgomery said she doesn't think they should Table this. She said she thinks this has gone on long enough and they need to decide on a solution tonight. She said this issue has gotten out of hand and they need to address this immediately. She said she understands where Dale is coming from when he said there was not a meeting called however on this Council when they want to get things done they call the President. She said they can call the meeting or call the President and discuss it. She has seen it done the three years she has been on this Council. She said if they are behind something individually, they can get it done. She said she doesn't want these residents to suffer any longer than they already have; both sides need to come

to a solution tonight. She said last night, her recommendation is that they ban it in residential areas altogether and they have ATV zones. She said that is her recommendation but she doesn't want to table this and prolong the issue any longer. She said they need to step up and do something about it tonight.

- Mayor Cherepko said if he may, based on what she just said is that ... and he would like to say he thinks ... and he is just sitting back here listening ... is that her concern is with some of the others mentioned that if they vote on this right now as it is, they may vote no. He said whereas if they may not want to vote against it.
- Ms. Walker-Montgomery said they can add to this to ban residential areas and create ATV zones. She said she has seen that done in various combinations.
- Mayor Cherepko said what he is saying is that once they pass this it is passed as is.
- Ms. Walker-Montgomery said she understands that. She said then before that, they can add the language.
- Mayor Cherepko said he doesn't care what she does; it is their decision to make. He said because she said adding language, once they pass this, they cannot add language.
- Ms. Walker-Montgomery said correct.
- Mayor Cherepko said he doesn't know.
- Ms. Walker-Montgomery said she was going to ask ... bring it up to add the language before they voted on it but she doesn't want to table it because it will prolong the issue.
- Mayor Cherepko said she means add the language right now and then vote.
- Ms. Walker-Montgomery said yes, tonight.

- Mayor Cherepko said but that would be a different Bill though if they change the language.
- Mr. Segina said he would like to add to the comments by Ms. Walker-Montgomery that when the vote is taken, there are no heroes or villains in this. He said there are people who are concerned with what is happening. He said Mr. Young intends to do well down there wherever he is in that valley and has concern for his kids. He said by the same token, on the other side, the people who presented their petitions have their concerns also. He said they have to strike a happy medium and that is unheard of. He said that is why he says that they should pass the ordinance as it is and then they can work on if there are any restrictions that they can put on it or modify the ordinance itself, and then they can do that. He said to keep prolonging it like this they could be forced with the Affidavit to put it back on the Agenda again. He said he would like to get this over with right now and take their votes. He said then if they have to repeal parts of that ordinance and add language to it to satisfy everyone with a compromise then that is what should be done. He said are there any other comments.
- Mr. Carr said there was a motion on the floor to table the motion and a second.
- Mr. Segina said then there were questions and comments, which he made. He said they will now have roll call.
- Mayor Cherepko said just to clarify this, it is a roll call to Table the Bill.
- Mr. Segina said it is a roll call to Table.
- Mr. Carr said if it is tabled, then they could change the language and bring it back.
- Mr. Elash said if they bring it back, they would have to amend it.

- Mr. Carr said then they could try to work out a solution with amendments.
- Mr. Elash said yes.
- Mr. Carr said so tabling it would be acceptable.
- Mr. Elash said most likely, they would be tabling it and replacing it with a new bill.

RC-4 YEAS: CARR, McCALL, DELLAPENNA..... 3

NAYS: SEGINA, TEDESCO, SOLES, WALKER-MONTGOMERY..... 4

MOTION: **Mr. Tedesco moved, seconded by Mr. Soles, "To adopt Bill #97."**

COMMENTS:

- Ms. Walker-Montgomery said if they pass this, can they add the ATV zones.
- Mayor Cherepko said if they pass this, it becomes law, and the Police will have to start enforcing this immediately. He said no one will be allowed to ride ATVs in the entire City of McKeesport if they pass this.
- Mr. Segina said he doesn't think that is what she is saying.
- Mayor Cherepko said they can add, and he knows what she is trying to say now and he did not understand it at first and it was what he was trying to clarify for her. He said if they pass this, then between now and the time they change anything, no one in the City of McKeesport can ride ATVs. He said this is law. He said Mr. Elash is that correct.
- Mr. Elash said that is correct.

- Mayor Cherepko said that is why he was trying to clarify it before because Fawn said one thing by wanting to add zones and that is why he said if she wanted to do that then they should table it. He said that is what he was trying to clarify.
- Mr. Segina said he thought he explained himself on this that if they do pass this, now since that Table has been disapproved, then they can repeal parts of this ordinance and add to it if they care to because it is not set in stone. He said all ordinances and resolutions are set for a limited period of time. He said is he right Mr. Elash.
- Mr. Elash said ordinances survive ad infinitum but they can be amended at any time.
- Mayor Cherepko said that is all he said, they can amend them, but in the meantime, they have banned them.
- Mr. Segina said they are open to any conversation after that. He said if there is some kind of restrictions
- Mayor Cherepko said they can do what they want. He said he is just looking out and trying to make sure Ms. Walker-Montgomery does what she wants to do. He said that is all because she said one thing and he is trying to protect her. He said the bottom line is that yes, they can amend it but he wants her to know that they are banning them city-wide and the Police Chief and Police Department has to go after anyone who rides a quad in the entire City of McKeesport until they decide to amend something. He said that is all. He said if they are fine with that, it is fine and that is why they are here as a Council. He said he just wanted her to know what she is voting on.
- Ms. Walker-Montgomery said can she now make a motion to amend this language or does she have to vote on it.
- Mr. Elash said there is a motion on the floor.

RC-5 YEAS: SEGINA, TEDESCO, SOLES, WALKER-
 MONTGOMERY..... 4

 NAYS: CARR, McCALL, DELLAPENNA..... 3

BILL #98: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING PROCEDURE 2, SECTION III-C OF ORDINANCE #79-4 TO ADD SUBPARAGRAPH 3, PROHIBITING ANY PERSON HOLDING A COMPENSATED, APPOINTIVE OR ELECTED POSITION FROM ALSO HOLDING A POSITION ON ANY BOARD, AUTHORITY OR COMMISSION WHERE SAID PERSON WOULD HAVE THE POWER TO SET OR PARTICIPATE IN SETTING THE POLICIES AND/OR CONDUCTING THE BUSINESS OF THE BOARD, AUTHORITY OR COMMISSION; PROVIDING FOR VARIOUS EXCEPTIONS; AND PROVIDING FOR REMOVAL AND/OR TERMINATION OF SAID PERSONS FOR VIOLATION OF THIS PROVISION.

MOTION: Mr. Carr moved, seconded by Mr. McCall, "To Amend the Agenda to remove Bill #98."

COMMENTS:

- Mr. Tedesco said he wants to reiterate that if and when this bill comes back to the Agenda, he wants there to be some sort of meeting. He said is Mr. President open to having a meeting.
- Mr. Segina said he is open for discussion of anything. He said he will take private phone calls at his home, his phone number is in the book, and they may call him at any time so they can discuss it. He said however, on principal he is going to vote a certain way. He said however whatever he does, he appreciates the way they vote.
- Mr. Tedesco said the Solicitor will review the wording to make sure it is legal.

- Mr. Elash said he will actually redraft it with what he thinks the intent is and then they can work from there.
- Mr. Segina said they have a motion to remove and asked if there are any other questions or comments. He said he thinks they had Mr. Tedesco say something. He said is there anyone else.
- Mayor Cherepko said he would like to comment on this also.
- Mr. Segina said Mr. Cherepko is not part of City Council if he doesn't mind.
- Mayor Cherepko said excuse me, Mr. Segina, maybe he needs to read his Charter and understand that he has equal rights to deliberations on anything that Council does.
- Mr. Segina said he can tell Mr. Cherepko not to and he is telling him not to.
- Mayor Cherepko said he is going to comment because he has that right according to the Charter. He said he has a right to comment.
- Mr. Segina said roll call please.
- Mayor Cherepko said this law has been something that this Council has been trying to pass now for eight or nine months. He said he wants to reiterate some of the things he said last evening. He said when they do sit down and talk about this; he thinks they need to think very carefully about how they do this. He said they need to keep in mind that they need to live by example as Council people up here. He said they should not expect their Board members to have any different expectations than they as a Councilperson should have. He said the way this ordinance is written is extremely hypocritical, illegal in one aspect and he is glad they are going to look into it. He said when they talk about nepotism and all too often people are so quick to jump on the nepotism bandwagon but when individuals run ... last

night they talked about nepotism as being favoritism towards family and friends. He said he has about seven or eight definitions in there from different sources he can show. He said they need to keep that in mind so when they run for Mayor or another office, and they promise someone a police chief's job or a lieutenant's job or whatever job they promise, it is nepotism. He said they need to keep that in mind when some of them try to take the high road. He said they need to act like that. He said if there is a board member that they don't want on a board because they have a family member that works for that board, but if it is Council it is okay to be on Council and have a family that works for the City. He said he just doesn't think that is right. He said he is not going to continue to repeat himself but he wants to make it very clear that this politically motivated, vindictive bill needs to be thought out. He said personally he would like to see them vote on it tonight. He said for ten months now they have had counter-productive Council meetings. He said they take three steps forward for an entire month and then come to a Council meeting and take five steps back. He said that does not go with the invitation that he extended to all parties, to all residents, to all Council people of working together for a better McKeesport.

- Mr. Segina said Mr. Cherepko is getting off the subject.
- Mayor Cherepko said if they want to continue to hang on to these politically motivated vendettas because they cannot accept the results of an election, then shame on them. He said at some point they need to start focusing on the best interest of this City. He said that is all he is asking. He said they have a bill here with exceptions, and he wants one more time on the record that if they presented a board banning every single board in the City, without making exceptions for the ones that each and every one of them sit on, that is not right. He said he said that yesterday. He said if they say that is the way they want it and it is

citywide, he can at least respect their opinion even though he differs on it. He said it is not right and not fair. He said they don't have an overwhelming number of people who want to be on Boards. He said they want to be on boards, they get there and then quit showing up at meetings. He said people have lives. He said it is busy and it is a commitment. He said he can't tell them how much he appreciates all of their volunteers who serve on boards, task forces and other organizations. He said this City has many wonderful people and for that, he is very grateful. He said even that is not enough and now they are going to start taking that pool of people and telling them they can't be on a board because they know someone or have a friend or relative that is here. He said then they can't be on this board because they have a relative. He said what he learned growing up in the City of McKeesport is that it seems like everyone in one way, shape or form, directly or indirectly is related somehow. He said it is amazing and what he wants is the best person for a board. He said remember, he gets to recommend all appointments to the boards. He said this is not about a thing for him. He said he gets to pick a person no matter what. He said what he wants is the most qualified person for that position. He said it is not fair to have someone excluded because they have a relative. He said he wants to be very clear, it is not a power thing because he gets to pick whoever it is and he makes the recommendation to Council. He said he can put anyone on a board but he wants to put people who will participate not ones that may show up at a meeting or may not show at the next. He said this is ridiculous that this Council has spent 10 or 11 months discussing this. He said it is ridiculous and they need to lead by example.

- Ms. Walker-Montgomery said she has a question/comment as well. She said they have had this discussion for several months now. She said Bill #98 that they are discussing is prohibiting any compensated, appointive or elected position from also holding a position on any board, authority or

commission where said person would have the power to set or participate in setting the policies and/or conducting the business of the board, authority, or commission. She said this is also extending for relatives as well. She said they have had this discussion for various months. She said she doesn't think they should table it but thinks they should vote on it. She said she has said this publicly and doesn't think this is the way to get at the nepotism. She said they need to do it through hiring practices and through advertising for the boards on the website or in the newspaper. She said they need to resolve so this doesn't keep lingering on like Bill #97. She said they need to step up and come to some kind of solution.

- Mr. Carr said he finds it interesting that Council President didn't have time to discuss with them or any one else Bill #97 that he is aware of that they could be involved in this conversation. He said but on Bill #98 which he believes to be a personal agenda, he has all the time in the world for them to give him a call all the sudden. He said he doesn't understand what a personal agenda is but when he personally put this on the Agenda and they have already voted to take this away from here and he keeps putting it back on. He said he was told last night that he has that right. He said if he does have that right, he is not satisfied with the leadership. He said he thinks they have already voted and said they don't want this on the table; he brought it back exactly the way they voted to remove it. He said where is the communication and how is he representing them. He said they voted for him unanimously. He said how is Council President representing them. He said does he have time now or whenever it is convenient for him.
- Mr. Segina said he has time now, Mr. Carr and if he is not mistaken, he placed a call to Mr. Carr's place of business up at the Viking and asked him if he wanted to discuss this. He said Mr. Carr said sure, he would be down there in five minutes. He said Mr. Carr did show up in five minutes. He

said they talked about it in his living room for two hours in regards to this Bill. He said Mr. Carr agreed with it in toto, with what was written here. He said Mr. Carr said can he have an opportunity to table this so they could discuss it with the rest of the members. He said he said yes they could because it is an important bill. He said Mr. Carr turned around and came here and instead of saying they are tabling the bill, he said he wanted it removed. He said that doesn't really mean he is going to table it and want to discuss it. He said Mr. Carr removed it completely and Mr. Carr is criticizing him for putting it back on. He said it is a bill that says ... there is a law, the Municipal Sewage Authority has a law ... or all authorities really, that they cannot have a board member be a Councilman. He said it would work in reverse too. He said that is what they have over there. He said that is his one complaint about it. He said the other part is a violation of the Home Rule Charter. He said they have an appointed official on that Board also. He said he is supposed to be a liaison that is what his job is to be a liaison to report back to Council on what is happening over there. He said instead he is now the Chairman and a voting member of what is going on. He said that is what he is opposed to among other things. He said he did talk to Mr. Carr.

- Mayor Cherepko said if he could speak
- Mr. Segina said he did not interrupt Mr. Cherepko.
- Mr. Carr said he would like to answer back first.
- Mr. Segina said they also have with the nepotism part, they defined specifically that it was blood relatives for the most part who should not have a job there or a board member be there because they would be voting on their union contracts for raises. He said he thought that would be a conflict of interest and represent nepotism. He said those are the reasons for this bill. He said Mr. Cherepko told him at the beginning of the year when they first started that he wants transparency and accountability and wants to do everything

legal. He said that is all he is trying to do. He said he wants to present the City with something that is legal and would serve its best interest.

- Mr. Carr said may he respond. He said it is not true that he went to Mr. Segina's home and they agreed on this bill exactly as stated. He said if he did agree with it, why would he have tabled or asked to have it removed. He said there was language in there with which he was not satisfied. He said it is not true that they sat down ... and yes he did come down and yes Mr. Segina said they would have other meetings, but they did not have other meetings.
- Mr. Segina said that means Mr. Carr that he made himself accessible to him and anyone else who wanted to talk about any of these bills.
- Mr. Carr said Mr. Segina is the Council President and he is supposed to be a director. He said Mr. Segina is supposed to get to them. He said they have Sunshine Laws, he understands that, but ... when Keith and he came down, that was not in direct violation of the Sunshine Law. He said Mr. Segina's job, if he doesn't have time, then why did he take that job.
- Mr. Segina said he is saying that if they wanted to meet individually. He said he wanted to meet as a group. He said he was going to....
- Mr. Carr said he can do that. He said he is within his powers to do it collectively, individually or with two others.
- Mr. Segina said he is willing to meet on any bill that is presented here with any one of them at any time.
- Mayor Cherepko said if he may correct the record, because in addition to that fallacy there are two others. He said one they had a legal opinion that came in from an independent solicitor last year saying there was definitely not a black and white area as far as a Councilman being over there. He said

there is nothing on their end that they could do to remove them. He said secondly, as far as a department head, a City employee being on the authority, there is nothing whatsoever that even mentions that. He said thirdly, let's keep in mind that Mr. Segina as a Council member voted to put all of these individuals on these boards before an election that he was unhappy with. He said he thinks they are seeing where the political vindictiveness and political agenda comes from. He said Mr. Segina voted to put these same people on these boards years ago, and now that he is not happy, now it is a problem. He said they are very well within the law of where they are with that. He said he did say as far as a Councilman that in the future he will not recommend a Councilman to the Authority because there is a gray area. He said not because it is wrong. He said he doesn't want to have a gray area. He said but as far as an employee and as far as other board members over there that they want removed for this, he can tell them right now, they have a very productive board, especially on the Sewage Authority. He said he is not going to name names because he doesn't want to single anyone out. He said it is a shame that Mr. Segina ... that is probably one of their most active boards. He said to find people with their dedication and commitment with their busy schedules is admirable in addition to everyone else on these boards. He said he did want to clarify the record that those are not true, whatsoever that Mr. Segina said, so that is three fallacies within a matter of a minute.

- Mr. Carr said the language of this bill ... they did a \$60 million renovation project ... the language of this bill is to remove these people immediately.
- Mayor Cherepko said it is illegal. He said to Mr. Elash, would that ever hold up in court.
- Mr. Carr said they can't change it, it is as is. He said this should not even be on the table. He said that is why he had

- Mr. Segina said if he had voiced his displeasure after their meeting ...
- Mayor Cherepko said it was voiced.
- Mr. Segina said he thinks maybe then it would have been a more proper stance.
- Mr. Carr said Mr. Segina knew that there was a point in there.
- Mr. Segina said he did not.
- Mr. Carr said then he needs to be a better leader.
- Mr. Segina said roll call please.
- Mayor Cherepko said what are they voting on at this point.
- Mr. Carr said at this point they are voting to remove the bill.
- Mr. Segina said they are voting on the removal from the ...
Mr. Carr already voted yes.

RC-6 YEAS: CARR, McCALL, TEDESCO, SOLES,
DELLAPENNA..... 5

NAYS: SEGINA, WALKER-MONTGOMERY 2

RESOLUTION #2013-4 – BILL #99: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING A REQUEST FROM DIANE AND DANIEL NATALE, 209 FIFTH AVENUE, McKEESPORT, PA, FOR A REVERSE SUBDIVISION TO COMBINE LOTS #307-E-84 AND #308-H-44 INTO ONE LOT FOR

MOTION: Mr. Tedesco moved, seconded by Mr. Soles, "To adopt Bill #99."

RESOLUTION #2013-5 – BILL #100: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING THE SITE PLAN SUBMITTED BY MDM, LLC, FOR THE CONSTRUCTION OF A MED ESPRESS AT 3711 WALNUT STREET, McKEESPORT, PENNSYLVANIA.

MOTION: Mr. Tedesco moved, seconded by Ms. Walker-Montgomery, "To adopt Bill #100."

- Mr. Tedesco said he has a question. He said is there an estimated opening time for this Med Express.
- Mayor Cherepko said they did not give that at this point. He said he was here when they walked in and he didn't know if he is still here.
- Mr. Elash said they left five minutes ago.

RC-8 YEAS: CARR, McCALL, SEGINA, TEDESCO, SOLES,
WALKER-MONTGOMERY, DELLAPENNA 7

NAYS: NONE..... 0

- 36 -

McKEESPORT HOUSING AUTHORITY FOR A SUBDIVISION TO CREATE FOUR (4) PARCELS WITHIN YESTER SQUARE (CRAWFORD VILLAGE) FOR THE RECONSTRUCTION OF HOUSING UNITS IN THE EIGHTH WARD OF THE CITY OF McKEESPORT.

MOTION: Mr. Tedesco moved, seconded by Mr. McCall, "To adopt Bill #101."

RC-9 YEAS: CARR, McCALL, SEGINA, TEDESCO, SOLES, WALKER-MONTGOMERY, DELLAPENNA 7

NAYS: NONE..... 0

RESOLUTION #2013-7 – BILL #102: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE ADOPTION OF THE ALLEGHENY COUNTY HAZARD MITIGATION PLAN AS AN OFFICIAL PLAN OF THE CITY OF McKEESPORT.

MOTION: Mr. Tedesco moved, seconded by Mr. Dellapenna, "To adopt Bill #102."

RC-10 YEAS: CARR, McCALL, SEGINA, TEDESCO, SOLES, WALKER-MONTGOMERY, DELLAPENNA 7

NAYS: NONE..... 0

RESOLUTION #2013-8 – BILL #103: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO ENTER INTO AN AGREEMENT WITH DATAMATRIX SYSTEMS, INC. FOR CONSULTING SERVICES RELATED TO UPGRADING THE CITY'S FINANCE SYSTEMS AND HARDWARE.

MOTION: Mr. Tedesco moved, seconded by Mr. Dellapenna, "To adopt Bill #103."

COMMENTS:

- Mr. Segina said could Mr. Cherepko comment on this Bill. He said he thinks it is something advantageous to the City of McKeesport and he thinks the Mayor should toot his horn a little bit.
- Mayor Cherepko said yes, what they are doing here with Datamatrix is an IT company that has been working with the City for quite a few years as a supplemental company because they do have an IT person here. He said the City's IT person is going to be retiring after 20 years of his dedication and commitment to the City of McKeesport. He said instead of replacing him as they did with a couple of people who retired also, they are trying to save money. He said it is always nice to give someone a job because people need jobs. He said in the best interest of the City of McKeesport, they are going to save as much as they can. He said between the IT company, they will be able to do what he was doing. He said what is nice is that they have the capabilities of setting things up where a lot of the problems they have with their computers, they will be able to fix from home. He said when they need them on-site they can be there within a couple of minutes also because they are up the road at the Route 30 and Fifth Avenue. He said it is another opportunity for the City to try to save money. He said they are looking forward to working with Datamatrix.
- Mr. Segina said didn't Mr. Cherepko said it would save the City \$60,000 to \$70,000 on this particular one by going with Datamatrix.
- Mayor Cherepko said yes, when they start talking about salary and benefits, the benefits are escalating higher and higher so it is a pretty large savings. He said maybe a little less because they will pay them a little more than what they have been paying them. He said he thinks a conservative number is about \$50,000 and no less.

RC-11 YEAS: CARR, McCALL, SEGINA, TEDESCO, SOLES,
WALKER-MONTGOMERY, DELLAPENNA 7
NAYS: NONE..... 0

AMEND THE AGENDA:

MOTION: Ms. Walker-Montgomery moved, seconded by
Mr. Tedesco, "To amend the Agenda to
include Bill #104."

RC-12 YEAS: CARR, McCALL, SEGINA, TEDESCO, SOLES,
WALKER-MONTGOMERY, DELLAPENNA 7
NAYS: NONE..... 0

**ORDINANCE #13-4 – BILL #104: AN ORDINANCE OF THE
CITY OF McKEESPORT, ALLEGHENY COUNTY,
PENNSYLVANIA, AUTHORIZING THE PROPER CITY
OFFICIALS TO EXECUTE AN EXTENSION OF THE
COLLECTIVE BARGAINING AGREEMENT WITH THE
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL
10, FOR AN ADDITIONAL FIVE (5) YEARS.**

MOTION: Mr. Tedesco moved, seconded by Mr. Soles,
"To adopt Bill #104."

COMMENTS:

- Mayor Cherepko said all too often in the City of McKeesport as residents that they take it for granted that they have a paid Fire Department. He said they have a highly trained Department with the necessary equipment to perform their duties at the highest level and in his mind, they are second to none. He said this extension to their contract was a result of ... without going into too many details ... some issues that were costing the City money to be quite honest.

He said because they not only have a group of men who are unbelievable firefighters to protect them and make them feel safer, they also realized that it was financially hard on the City. He said what they did with this extension, was to offer them an extension that would be fair to them but at the same time they conceded on a lot of areas that had been a part of their bargaining agreement and would permit the City to save a lot of money right now. He said that is the best way to say it without going into details. He said they should be applauded for that. He said nothing against the volunteers because they talked about volunteers earlier. He said the areas that have these volunteer fire departments are unbelievably admirable. He said the bottom line is that their highly trained men and firefighters are second to none and they do take it for granted. He said he feels safer at night because they have without a question, not only a Fire Department that is first class but a Police Department that is unbelievable and second to none also. He said he does applaud the Firemen for coming to the table to try to resolve some of these issues that were costing the City unnecessary money.

RC-13 YEAS: CARR, McCALL, SEGINA, TEDESCO, SOLES,
WALKER-MONTGOMERY, DELLAPENNA 7

NAYS: NONE..... 0

CONTROLLER'S REPORT:

- Mr. Malinchak said he has several questions before he gets to the finances. He said Mr. Gergely did they finish the monthly statements for the year 2012.
- Mr. Gergely said yes.

- Mr. Malinchak said the handout today is for January and they never were issued a report for year-end.
- Mr. Gergely said they are having a problem right now with the MUNIS system and Ray Dougherty was here but had to leave unexpectedly so they are working on it.
- Mr. Malinchak said does he have any projections on when they are going to get around that problem.
- Mr. Gergely said probably next week.
- Mr. Malinchak said the second question is that there was discussion last time with regard to the rate increases with other communities and their reaction. He said in reading some news reports and Mayor Cherepko reported last time that everything was smoothed over. He said is there any risk of any lawsuits out there right now or is everything resolved with the outlying communities with regard to the rate increases.
- Mayor Cherepko said he thinks there is always a risk but he feels very comfortable where they are. He said they now have a better understanding of where the City was and where the Authority was and why the Authority and the City did the Intergovernmental Agreement. He said all too often people jump the gun. He said they saw Host Fee and thought it was just a fee that was placed on the Authority with no reason for the City. He said this Council is very well of how definite the Intergovernmental Agreement was and all of the services that the City provided to them. He said they also realize that the increase was really a planned increase that the Authority had from the beginning of Act 537. He said once again, he shares the concerns of their residents with sewage rates. He said what they need to understand is that when there is an unfunded mandate of \$60 to \$70 million in improvements that must be made and there is no money for it, someone has to pay for that, and that is why the rates have jumped up. He said when it is all

said and done the Municipal Authority of the City of McKeesport ... and that is another reason that is great they have a proactive board ... they were proactive in this and are well ahead of the game. He said they are now coming to the end of their Act 537 improvements and with the increases, that was all part of it. He said when they come to the end, although their rates may be higher now, but with a large company like Alcosan who will have billions of dollars in improvements, they are not even close. He said by the time they are done, their rates are estimated to triple or quadruple. He said when everything is said and done a few years down the road; the Municipal Authority rates are going to be lower than most others are.

- Mr. Elash said no one has even mentioned any threat of litigation since they spoke with them.
- Mayor Cherepko said they have....
- Mr. Malinchak said right now they are saying that there is a high probability that everything is fine.
- Mayor Cherepko said the high probability of anyone suing the City of McKeesport, they don't have any problems whatsoever of them being sued.
- Mr. Malinchak said thank you. He said he has a curiosity question. He said the Mayor said he met with some other municipalities with regard to this. He said did the Sewage Authority delegate him to be the spokesman for them. He said and why wasn't their Executive Director or their Chairman of the Board there.
- Mayor Cherepko said that is simple. He said he will educate him a little bit.
- Mr. Malinchak said he needs an education.
- Mayor Cherepko said he can see that. He said as Mayor of the City of McKeesport ... remember perception is reality.

He said it is that simple. He said when something happens at that Sewage Authority, it is the Mayor that is held accountable. He said if rates go up, people are not mad at the Sewage Authority; they take it out on the Mayor. He said if something goes wrong, they take it out on the Mayor. He said he took it upon himself because the Sewage Authority is an entity of the City of McKeesport. He said if they go under, then the City is responsible. He said he took it upon himself to meet with these local representatives to understand ... especially if he read the newspaper, they would see that it was the Host Fee that they had a problem with. He said what he wanted to demonstrate to them was that the Host Fee was really minimal on the increase they were seeing. He said it was a very small percentage. He said it is no secret that there has been money generated by the City for years now. He said whether it was loans, debt, or whatever. He said as Controller, he should know firsthand that they were receiving about \$2 million. He said when the Sewage Authority paid them back, which at the time many argued that it wasn't a good decision and hindsight shows it was a good move. He said it took 18 months to get that to some individuals but he thinks they get it. He said the reality of it is that people don't realize that their debt service was about \$31 million. He said when they go from \$31 million ... just like if he were to get a loan and have a large debt, it hurts their rating. He said when they were able to cut their debt from \$31 million down to about \$10 million; it took their debt service payment from \$187,000 a month down to \$50,000. He said that is the importance of putting them in a much stronger financial situation and a better situation where if they come to a point where they need to finance or restructure their debt, they will be in a much better financial situation. He said it is very clear. He said some say why didn't they just keep the \$24 million. He said he could have done that as Mayor. He said he would have been the greatest Mayor this City has ever seen for about six years and then the City would be gone. He said then they would be flat broke and they would not

recover. He said but for six years, if he was selfish, he could have torn down every abandoned house in this City and could have paved every street with the help of Council. He said they could have done all that but what good is that if five or six years down the road, they don't have a Police Department in their City. He said they definitely would not have a Fire Department. He said he is not here for the short term. He said he took on this endeavor for one reason, because he loves the City of McKeesport and he is here for the City. He said make no mistake about that. He said he had a great job; this was not a job to him. He said he wants people to understand that because all too often they say he could have kept the \$24 million. He said they are right. He said but remember if they keep the \$24 million and don't pay off their debt with \$20 million they would be paying \$187,000 a month. He said they are paying \$2.1 or \$2.2 million a year. He said if they take that off plus everything he does, then they can see how quickly that runs out, plus any extended deficit that they may accrue through their MMO, which went up \$600,000. He said he could go on and on here. He said he doesn't think that is what they are here for but the whole point is He said if Mr. Malinchak wants to know why he went to represent the City, he believes he earned that right to represent the City and the Authority because they are an Authority under the City. He said he would recommends the board members and this Council approves them. He said why would they leave it up to anyone else.

- Ms. Walker-Montgomery said she wants to add to that. She said the last two months, she did specifically ask Mike to address the issues that the other municipalities had about the Host Fee and he did tell her that he was going to meet with them.
- Mayor Cherepko said yes, she did.

- Mr. Elash said he thinks at that stage, he attended the meeting with the Mayor and at that stage, it was directed at the City. He said there was a misinterpretation that the City imposed a tax, not that there was a cooperation agreement and once that was explained that the Authority ... and after the Mayor's visit, the (cannot hear due to train noise).
- Mr. Malinchak said doesn't the Solicitor think that the issue between the other municipalities and the rate fee should be with the Sewage Authority. He said the City didn't increase the rates.
- Mr. Elash said that is what they explained to them.
- Mayor Cherepko said that is what they explained to them.
- Mr. Malinchak said they should not have even been there.
- Mr. Elash said they went there to explain that and told them why.
- Mayor Cherepko said please listen, they are not here to argue that. He said let's just move on. He said they realize he wants to see them fail and they are all very well aware of that. He said just go on to the next thing.
- Mr. Malinchak said quit saying that Mike. He said he doesn't want to go on the defense.
- Mayor Cherepko said they understand how it is.
- Mr. Malinchak said Mr. Gergely, was the last report that they got on the International Village the final report.
- Mr. Gergely said he doesn't believe it was final, he thinks there were some revisions to be made.
- Mr. Carr said it is financially it was final, but ...
- Mr. Malinchak said the financial was final.

- Mr. Gergely said yes.
- Mr. Carr said he has invited Mr. Malinchak to come up and that invitation is still open because they are actually going to pull those records out again because they are getting started with this year. He said the records will be at the table if there is something he would question.
- Mr. Malinchak said everything they presented last time is the final report, financially.
- Mr. Carr said financially, yes.
- Mr. Gergely said does that satisfy all his concerns with the report, or does he need to speak with Council.
- Mr. Malinchak said actually he looked at it but he didn't study it in detail because he was expecting a revision.
- Mr. Gergely said he has offered to do that though.
- Mr. Malinchak said he understands and is not interested in a battle. He said he just wants to see the numbers first then he will go to the back up if he needs it. He said Mr. Carr is offering the backup, which he appreciates. He said he understands that. He said he also mentioned to Mr. Carr that last two years, when Senator Brewster was Chairman over there, that there were two reports on record, they were excellent reports, and he should consider using that as a format. He said he mentioned that to them. He said just so they are aware. He said the next question he has here is about 14 or 15 months ago, Mr. Segina, he had an investigating committee that was supposed to look at trash and nothing went forward with that. He said can he assume right now that the committee is defunct or is it still alive or what.
- Mayor Cherepko said he would like to address that.

- Mr. Malinchak said he asked the Council President a question.
- Mr. Segina said he would like to address this please. He said he was not President of Council at that time.
- Mayor Cherepko said he was and that is why he was going to answer.
- Mr. Segina said Mr. Cherepko was the Council President at that time. He said that particular investigation was on trash collection and he thinks that was the only subject that was to be investigated. He said as the facts show nothing was done with the Council itself and Mr. Malinchak went out on his own to get his own investigation. He said it doesn't include any other subject. He said if there is any other subject they are looking at a new investigation must be recommended by Council to go forward on that.
- Mr. Malinchak said is that his position.
- Mayor Cherepko said that is the Charter's position. He said if Mr. Malinchak reads the Charter. He said let me talk for a second. He said once again, they all quote the Charter and he doesn't think Mr. Malinchak understands it.
- Mr. Malinchak said he is right, he doesn't understand it.
- Mayor Cherepko said he thinks Mr. Tedesco can speak on this as Chairman of the Committee to restructure the Home Rule Charter. He said if anyone would attend the meetings, they would see it is not quite as confusing as people think.
- Mr. Segina said Mr. Elash
- Mayor Cherepko said the Charter is very clear. He said the Controller is to do an investigation upon approval of Council. He said that is it.
- Mr. Soles said his job was to find a firm.

- Mayor Cherepko said that is it.
- Mr. Segina said it was to investigate the trash collection.
- Mr. Elash said they formed a commission.
- Mr. Segina said yes.
- Mr. Soles said he thought that was to find a firm. He said it was not to form a commission.
- Mr. Segina said Mr. Cherepko was the Chair of it. He said he is not speaking against the Mayor, he is telling what the facts are. He said the Mayor was the Chairman at that time and he stated he sent out forms to everyone to investigate and no one replied and that is where it stayed. He said Mr. Malinchak in turn went on his own to do his own investigation. He said the only subject was trash collection.
- Mayor Cherepko said if they recall, that is what happened. He said he sent them out once to every investigative agency he could find and not one replied. He said he did send them registered mail and the honorable Patty Williams received the receipts and they got no quotes to do it. He said at that point they showed up at a meeting and Mr. Malinchak said he had one because he likes to do investigations, and that is where it ended.
- Mr. Segina said since he is the new President of Council, does that need to be de-commissioned after a certain period of time.
- Mr. Elash said he will definitely look at the minutes of the meeting but he doesn't think anybody has the same recollection that there was a commission meeting. He said they would have had to have a meeting, not the creator of the commission. He said if they created a commission then they would have to do something.
- Mayor Cherepko said he thinks that is what

- Mr. Segina said it was done to the order of the Home Rule Charter itself. He said that is where those words were taken from.
- Mayor Cherepko said Mr. President is correct, there were two routes they could have taken. He said one was to set up a commission where they subpoena and they were the jury. He said this Council chose not to do that, they had him send out letters. He said they never organized a commission to actually hold anything. He said that is where it ended.
- Mr. Elash said as such he doesn't think any corrective action needs to be taken.
- Mr. Segina said would he look to see if there has to be a
- Mr. Elash said to see if they authorized his investigation.
- Mr. Segina said would he look to see if they have to decommission this.
- Mr. Elash said yes, he definitely will.
- Mr. Segina said and any other report that he might recommend back to them.
- Mr. Elash said yes sir.
- Mr. Segina said is Mr. Malinchak done.
- Mr. Malinchak said not yet, he would like to recommend approval of \$95,926.94.
- Mr. Segina said wait, Ms. Williams did not hear the amount.
- Mr. Malinchak said \$95,926.94.

MOTION: **Mr. Tedesco moved, seconded by Mr. Dellapenna, "To approve payment of the bills in the amount of \$95,926.94."**

RC-14 YEAS: CARR, McCALL, SEGINA, TEDESCO, SOLES,
WALKER-MONTGOMERY, DELLAPENNA 7

NAYS: NONE..... 0

- Mr. Segina said just a final word for the meeting itself. He said he is so glad that so many of them did come here this evening. He said he thinks they witnessed some harsh statements and some credible statements, statements that will help this Council to do a better job in whatever area that they have to. He said he harbors no resentment toward any of the remarks that were made to him. He said he hopes they don't harbor any resentment to him. He said that is part of politics. He said it is healthy that they have opposing views and healthy that they hear each other and expand on whatever they are supposed to do to make themselves a better Council for the residents of McKeesport. He said he thanks them all for coming and drive safely home.

ADJOURNMENT:

President of Council Segina adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Patricia A. Williams
City Clerk and Clerk of Council

APPROVED:

Darryl Segina
President of Council

daw